



Mary
Canavan/R5/USEPA/US
03/26/2007 10:44 AM

To
Subject Fw Kalamazoo Landfill Site

FYI - I received the following from Ed Sackley in Rep. Upton's office. There is an interesting email from Bruce Merchant attached. I will also be forwarding another email.

----- Forwarded by Mary Canavan/R5/USEPA/US on 03/26/2007 10:39 AM -----



"Sackley, Ed"
<Ed.Sackley@mail.house.gov>
v>

03/22/2007 02:20 PM

To
Subject Kalamazoo Landfill Site

Good Afternoon, Paul!

I left a detailed voice mail message a few minutes ago and promised to follow-up with this e-mail.

I suspect we crossed paths at one of the many meetings I've attended over the past 5 years on the Kalamazoo River, but to introduce myself I am Congressman Fred Upton's district representative and manage the Kalamazoo District Office. The message below from Bruce Merchant, City of Kalamazoo Public Services Director, is very passionate and specific. I can't answer his series of questions. Neither can Fred. Resolutions are being circulated, civil disobedience is being suggested, environmental racism is being alleged, the Kalamazoo Gazette is editorializing and our cadre of local elected officials (city, county, state and federal) is perplexed. Everyone can agree that beginning the cleanup is a very good thing! Since MDEQ was at the table, can you address any or all of the concerns expressed by Bruce? If you are not the right person to whom these questions should be addressed, please let me know who is (including any referrals to DNR or the AG's office). Fred is getting blasted about this out in D.C. this week and I need to get some answers. Thanks for your understanding and cooperation.

Ed

Ed Sackley, District Representative | U.S. Representative Fred Upton (MI-06)
269.385.0039 | 157 S. Kalamazoo Mall, Suite 180 | Kalamazoo, MI 49007-4814

From: Merchant, Bruce [mailto:MerchantB@kalamazoocity.org]
Sent: Thursday, March 22, 2007 6:36 AM
To: Sackley, Ed
Cc: Collard, Kenneth P.
Subject: RE: Three Public Documents on Plainwell Impoundment

US EPA RECORDS CENTER REGION 5



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Dear Ed -

I guess I find the defense of EPA, the MDEQ and others involved in the mediated negotiation process curious. The media release that you sent me has one brief phrase indicating that disposal of the contaminated sediments will occur in a "landfill in Kalamazoo" and that dust control measures will be utilized. The eleven parameters used by EPA and their associated explanation also appear to be somewhat lacking in when and how AFFECTED residents around the disposal site (which is never specifically even mentioned in the media release) were afforded any opportunity to comment on where the contaminated sediments are to be disposed of and in the manner they are to be disposed of.

Were you aware that the proposed "landfill" is an old "operable unit" where there are currently over 1.2 million cubic yards of PCB contaminated sediments already present? Were you aware that the government agencies that were so diligently looking out for the public's interest did not even consider that this "operable unit" is within the 5-year time of travel capture zone for five of the City of Kalamazoo's major drinking water wellfields? Were you aware that, only after City of Kalamazoo staff made the EPA and MDEQ aware of this fact at a March 15, 2007 meeting, was there acknowledgement that location of public drinking water supplies were not even considered when it was decided where to dispose of these contaminated sediments? Were you aware that the EPA's and MDEQ's justification of using a "landfill" in Kalamazoo was based on costs since trucking the contaminated materials to an APPROVED landfill in the Detroit area would cost an additional \$14 million? Were you aware that the proposed "landfill" site is in one of the most economically depressed neighborhoods within the City of Kalamazoo?

I have had over 25 years of experience working with the USEPA, the MDNR, and the MDEQ as a City of Kalamazoo employee since the City is regulated by these agencies in a number of areas. Whenever the City has brought up costs as being a factor in a decision, the City has been repeatedly told that cost is not to be considered - only compliance. That's one of many reasons why this proposed landfilling of contaminated sediments within the City of Kalamazoo does not settle well with the City. It's alright to argue costs if you're the EPA, the MDEQ, and, evidently a PRP, but not if you're a regulated municipality, I guess.

The fact that location of public drinking water supplies near the proposed operable unit was not considered is also very troubling. The City has heard that the substantial clay barrier from previous disposal of paper wastes at the Allied Paper Landfill will protect the groundwater. An approved TSCA landfill, if one were to be built to hold this material, would require a triple impervious liner and two leachate collection systems. When asked about this, the EPA and MDEQ have stated that the Allied Paper Landfill site is only "temporary" and that final disposal options will be discussed with the public in the future. I guess the public also might be able to discuss the "temporary" status of the current 1.2 million cubic yards of contaminated material already on site since they were told over 8 years ago that that material was only going to be there "temporarily."

I hope you can begin to realize the sense of frustration and concern that City of Kalamazoo residents, its neighborhoods, and its elected officials are experiencing as a result of their

"involvement" in deciding where the contaminated sediments are to be disposed of. I hope that Fred will reconsider his position of support for this settlement agreement, which occurred behind closed doors without public involvement, and its impacts on the City of Kalamazoo.

Thank you for your time and consideration.

Respectfully,

Bruce Merchant
City of Kalamazoo
Public Services Director

-----Original Message-----

From: Sackley, Ed [mailto:Ed.Sackley@mail.house.gov]

Sent: Wed 3/21/2007 3:21 PM

To: Merchant, Bruce

Cc:

Subject: Three Public Documents on Plainwell Impoundment

Hello again, Bruce!

I figured I would just send these documents for your review. Of particular interest is the public notice from November 2006. It specifically addresses the confidentiality of the negotiations and lists the many stakeholders and representatives that participated in the process. The ground rules were clear and known to all, contrary to some recent assertions.

Ed

Ed Sackley, District Representative | U.S. Representative Fred Upton (MI-06)
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EPA Plainwell Mediation Notices.pdf